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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1524 (2004) of 30 January 2004, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2004. It provides an update of the situation in Abkhazia, Georgia, since my report of 20 April 2004 (S/2004/315).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. She was assisted in this task by the Chief Military Observer, Major General Kazi Ashfaq Ahmed (Bangladesh), until 24 May 2004, when he ended his tour of duty and was succeeded by Major General Hussein Ghobashi (Egypt). The strength of UNOMIG on 7 July 2004 stood at 117 military observers and 11 civilian police officers (see annex).

II. Political process

3. Under the leadership of my Special Representative, UNOMIG continued its efforts on the three sets of issues identified as priority areas for advancing the Georgian-Abkhaz peace process at the United Nations-chaired high-level meetings of the Group of Friends, held in Geneva (see S/2004/315, paras. 5-7) — political and security matters, return of refugees and internally displaced persons and economic cooperation. The United Nations efforts continued to be supported by the Group of Friends of the Secretary-General and complemented by activities in the framework of the so-called Sochi working groups, which implement agreements reached between the Russian and Georgian Presidents in Sochi, Russian Federation, in March 2003 (see S/2003/412, para. 5). All efforts undertaken are aimed at promoting practical cooperation between the Georgian and Abkhaz sides, with the ultimate aim of establishing an environment for meaningful negotiations on a comprehensive political settlement, for which the paper, entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi", and its transmittal letter (see S/2002/88, para. 3) could serve as a starting point.

4. In pursuance of this aim, my Special Representative maintained an ongoing dialogue with both sides at the highest level, as well as with representatives of the Group of Friends both in Tbilisi and in their capitals. Senior representatives of the

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"Friends" — including the Special Representative of the United Kingdom for the South Caucasus, Sir Brian Fall, the Special Negotiator for Nagorny-Karabakh and Eurasian Conflicts of the United States of America, Steven Mann, and the Special Representative of the President of the Russian Federation for the Georgian-Abkhaz conflict and First Deputy Foreign Minister, Valery Loshchinin — also visited the region and met with the local leadership in efforts to advance the United Nations-led peace process. On 29 April, I discussed the situation with the Prime Minister of Georgia, Zurab Zhvania, in New York. He briefed me on developments in Georgia and the Government's efforts to combat crime, including in the zone of conflict. He reaffirmed Georgia's commitment to resolve the conflict by peaceful means only. Also, in response to the letter from the Abkhaz de facto President, Vladislav Ardzinba (see S/2004/315, para. 7), the Under-Secretary-General for Peacekeeping Operations reaffirmed, in a letter on my behalf, the principles for the settlement of the conflict, as contained in the Security Council's resolutions, and urged the Abkhaz leadership to take advantage of the change of leadership in Georgia to engage in a dialogue on the core issues.

5. On 20 May, in Sukhumi, my Special Representative chaired the third meeting on security guarantees between the Georgian and Abkhaz sides, led, respectively, by the Minister for Conflicts Resolution, Giorgi Khaindrava and the de facto Foreign Minister, Sergei Shamba. Representatives of the Group of Friends, the Organization for Security and Cooperation in Europe (OSCE) and the collective peacekeeping forces of the Commonwealth of Independent States (CIS) also participated. At the meeting, the parties continued their discussions from previous meetings on the issue of guarantees, including their international dimension, and on mechanisms for their implementation in the context of the 2001 Yalta Declaration (see S/2001/242) as well as on the proposals submitted at the second meeting, held in February 2004 (see S/2004/315, para. 8). The sides also discussed the implementation of existing agreements in relation to the Kodori Valley, stressing in particular the importance of the resumption of regular patrolling. They welcomed a proposal, which had originally been made by my Special Representative in 2002, for a special mission from United Nations Headquarters to the Kodori Valley, which could be dispatched at short notice to ascertain the facts and undertake an impartial assessment of the situation in the event of a crisis in the area. They agreed to appoint contact persons for consultations and preparatory work in the period until the next formal meeting, scheduled to take place in Tbilisi on 15 September 2004.

6. The meeting in Sukhumi served as a welcome confidence-building measure in view of Abkhaz apprehensions of possible actions in support of the Georgian Government in the Gali district ahead of 26 May, the National Day of Georgia, and in the wake of events in Ajaria, where demonstrations had led to the resignation of the Ajarian leader, Aslan Abashidze, in early May. The meeting in Sukhumi was preceded, at the initiative of my Special Representative, by informal consultations between the sides and international experts on the issue of security guarantees (see ibid.), held on 22 and 23 April at the Geneva Centre for Security Policy. These consultations also allowed the parties to address a range of other aspects of the peace process.

7. On 26 and 27 April, the Russian Federation convened a further meeting of the Sochi working group on the return of refugees and internally displaced persons, in Moscow. For the first time, the Abkhaz side participated; my Special Representative, as well as officials of the Office of the United Nations High

Commissioner for Refugees (UNHCR) and of the CIS peacekeeping force also took part. A main item on the agenda was the draft letter of intent, prepared jointly by UNOMIG and UNHCR and endorsed unanimously during the last meeting of the Group of Friends in Geneva in February (see ibid., para. 5). The Abkhaz side questioned the references to relevant Security Council resolutions and the role of the Group of Friends in the letter and presented its own draft. No agreement could be reached, but the sides agreed to continue to work on the text at the next meeting, planned for July. Both sides confirmed their support for the direct involvement of UNHCR in the return process, with the Abkhaz side particularly emphasizing the Office's role in the registration of returnees. While UNHCR expressed readiness to support the return process, it stressed that prerequisites for its engagement were a formal confirmation of the intent of the two sides as well as an agreement on conditions that would need to be created to allow voluntary returns in safety and dignity. Prior to the session of the working group, my Special Representative had arranged separate consultations for senior representatives of both sides with the United Nations High Commissioner for Refugees, Ruud Lubbers, on the margins of the expert meeting on security guarantees in Geneva, mentioned above.

8. In a related development, the report of the United Nations Development Programme-led feasibility study mission to the Gali, Ochamchira and Tkvarcheli districts (see S/2004/26, para. 10) was finalized and presented to the sides for their consideration. Both sides expressed support for the recommendations of the report, which, inter alia, proposed a transition recovery programme over three phases to improve the living and security conditions in the districts, including for the returning population.

9. UNOMIG also facilitated a joint visit, from 2 to 7 June, of Georgian and Abkhaz businesspeople to Istanbul, Turkey, to attend a regional trade fair in order to allow them to explore potential mutually beneficial opportunities for economic cooperation.

10. While, as discussed above, incremental progress was made on specific issues related to the conflict, the focus of the regional and domestic attention was on other regions in Georgia, namely, Ajaria and the separatist region of South Ossetia. In Ajaria, the crisis (see S/2004/315, para. 13) came to an end with the resignation of the Ajarian leader, facilitated by the constructive engagement of the Russian Federation, and subsequent new elections. In South Ossetia, high-level tensions continued, following Georgia's establishment of anti-smuggling checkpoints and the deployment of special forces to protect them in late May; subsequently, the South Ossetian forces were put on high alert and movements of troops and arms have been reported in and around the area. The Abkhaz side followed developments in Ajaria and later in South Ossetia with considerable concern. Its anxiety, which focused, inter alia, on statements by some Georgian politicians that Sukhumi would be next in their reintegration effort, led to an enhanced Abkhaz security presence in the Gali district in the lead-up to Georgia's National Day, on 26 May. In the light of the escalating tensions, my Special Representative and UNOMIG took a number of measures to defuse the situation, including additional patrols and encouragement for both sides to refrain from actions and rhetoric that could cause the situation to deteriorate. My Special Representative maintained regular contact with both sides during this tense period and facilitated direct contacts between them, which was instrumental in assuring the Abkhaz side that destabilization of the situation was not

Tbilisi's intention, and in persuading the Georgian side from taking reciprocal additional security measures.

11. In his address to the nation on 26 May, President Saakashvili reiterated that one of the core aims of his Government was the reunification with Abkhazia and South Ossetia. He appealed to Abkhaz and Ossetians to start talks, stressing that Tbilisi was prepared to consider any State model that took into account the interests of the population in the regions and ensured their future development. President Saakashvili confirmed Georgia's policy of reintegration exclusively through dialogue and peaceful means. He offered to the Abkhaz side the highest possible federal status, with international guarantees. The Abkhaz side, however, rejected President Saakashvili's overture, stating that while it was ready to discuss the non-resumption of hostilities and the restoration of trust and normal relations, its status was not open for discussion. In addition, the Abkhaz political leadership as well as the opposition were focused mainly on the lead-up to this autumn's de facto presidential elections. The Abkhaz side's uncompromising stand undermines previous commitments, including for the establishment of a human rights sub-office in the Gali district and the full deployment of the UNOMIG civilian police component (see S/2003/751, para. 19).

III. Operational activities

12. UNOMIG continued to perform its observation tasks, largely unimpeded, in the Gali and Zugdidi sectors through daily ground patrols. One violation of the Moscow ceasefire agreement was reported on 22 May, when the Abkhaz security personnel prevented a UNOMIG patrol from inspecting a site near one of their posts in the security zone to verify a possible presence of heavy military equipment; the restriction was lifted the following day and no heavy equipment was found. In the Kodori Valley, limited patrolling has been conducted in the Abkhaz-controlled lower part, but patrolling in the Georgian-controlled upper part remains suspended pending the provision of comprehensive security guarantees by the Georgian side. Helicopter patrols also remained suspended, while administrative flights continued on authorized flight routes over the Black Sea. UNOMIG, jointly with the parties and the CIS peacekeeping force, is working on modalities for the resumption of regular patrolling in both parts of the Kodori Valley.

13. Weekly quadripartite meetings continued to provide a useful platform for both sides to discuss security-related matters in the presence of the UNOMIG Chief Military Observer, representatives of the UNOMIG civilian police component and senior staff of the CIS peacekeeping force. During those meetings, main issues of contention included Abkhaz objections to the participation of representatives of the Abkhaz Autonomous Republic in exile in the meetings and Georgian concerns about the deployment of Abkhaz "border guards" and additional forces within the security zone as well as the establishment of an additional Abkhaz permanent security services post close to the ceasefire line.

Kodori Valley

14. UNOMIG conducted joint patrols with the CIS peacekeeping force in the lower Kodori Valley on 12 May, 2 June and 8 July. The patrols included UNOMIG engineers, who found at the most recent patrol that the road through the valley

damaged by floods last year is again passable up to the broken bridge which marks the divide between the Abkhaz-controlled lower part and the Georgian-controlled upper part of the valley. On 29 June, UNOMIG, the CIS peacekeeping force and the Georgian side conducted a joint patrol to assess the road to the Khida Pass, which is the main point of entry to the upper Kodori Valley from the Zugdidi side. The patrol confirmed that the upper Kodori Valley is accessible through the Khida Pass during summer and in fair weather only. It was also established that the road could only support light traffic.

15. Meanwhile, the Abkhaz side continued to allege that the Georgian side had introduced additional forces into the upper Kodori Valley in violation of the 1994 Moscow ceasefire agreement. A joint helicopter patrol by the Georgian side and the CIS peacekeeping force on 15 June did not confirm those allegations.

Gali sector

16. The overall situation in the Gali sector was generally calm for most of the reporting period. However, tensions developed in the weeks leading to Georgia's National Day, on 26 May. In anticipation of the possible destabilization of the situation in connection with the holiday, additional Abkhaz law enforcement personnel were deployed and temporary security posts were established. To defuse the situation, UNOMIG increased its patrolling and encouraged both sides to refrain from militant actions and rhetoric. After 26 May, the tension subsided and most of the additionally deployed Abkhaz law enforcement and security personnel were removed. Similar Abkhaz reinforcement took place on 21 and 22 June, when the Georgian authorities distributed fertilizers to residents of some villages in the Gali district.

17. Overall, the number of criminal incidents in the Gali sector decreased in comparison to the same period of 2003, with three killings, two shootings, two abductions, six robberies and an attempted ambush through the use of anti-personnel mines reported. The Abkhaz militia carried out several operations in the lower Gali district, detaining a number of people, most of whom were later released. Following one of those operations, the commander of an Abkhaz observation post abducted on 6 April (see S/2004/315, para. 21) was released on 27 April. On 8 June, three persons were abducted, including an official of the Inguri power station; all, except the official, were released a few days later. On 10 June, a woman was killed during an armed house robbery in the lower Gali district. On 14 June, unknown perpetrators opened fire on the Abkhaz security service personnel who were investigating freshly laid anti-personnel mines near the ceasefire line. On 17 June, the head of the Gali militia was killed while in pursuit of a suspect, who was also killed during the exchange of fire. On 3 July, unknown perpetrators reportedly opened fire on a CIS peacekeeping force checkpoint near the ceasefire line; no casualties were reported. Robberies of livestock also continued.

Zugdidi sector

18. During the reporting period, the overall situation in the Zugdidi sector was generally calm, with a relatively low level of criminal incidents reported. The Georgian side conducted a large-scale military exercise in the Kulevi training area, which is adjacent to the restricted-weapons zone, from 30 April to 3 May. UNOMIG

closely observed the sequence of events during the exercise and reported no violations of the ceasefire agreement.

19. The Georgian authorities continued to conduct anti-crime operations throughout the area. On 14 June, the Georgian police detained two trucks moving from and towards the Abkhaz side of the ceasefire line in the course of an anti-smuggling operation. On 7 May, the CIS peacekeeping force reported a Georgian police convoy crossing the ceasefire line on its way back from Svanetia (encompassing the Kodori Valley area), carrying some 500 small arms confiscated there. On 4 July, the CIS peacekeeping force reported another attack on one of its checkpoints near the ceasefire line; no casualties were reported.

Joint Fact Finding Group

20. The quadripartite Joint Fact Finding Group, which brings together the two sides, UNOMIG and the CIS peacekeeping force, continued to investigate violent incidents, with all parties regularly attending weekly meetings and responding promptly to incidents. Poor evidence handling, however, continued to hamper the prompt and efficient completion of investigations. Involvement of the UNOMIG civilian police officers in the Group has enhanced its effectiveness. Since April, nine new cases were reported for investigation. Of those, two cases were resolved, two were deemed criminal in nature and therefore not within the remit of the Group and five are still under investigation.

IV. Cooperation with the Collective Peacekeeping Forces of the Commonwealth of Independent States

21. UNOMIG and the CIS peacekeeping force maintained close cooperation at all levels in performing their respective mandates, including during the weekly quadripartite meetings and joint patrols to the Kodori Valley. On 21 June, the CIS peacekeeping force marked the tenth anniversary of its deployment in the zone of conflict.

V. Policing issues

22. The UNOMIG civilian police component, still only operational on the Zugdidi side of the ceasefire line, has established good cooperation with the local police and provides police-specific input into the regular quadripartite meetings and the activities of the Joint Fact Finding Group, including forensic assistance for ongoing criminal investigations. The continuing refusal by the Abkhaz side to allow, as agreed earlier, the deployment of the civilian police officers in the Gali sector hampers the cross-ceasefire line cooperation between the sides and hinders the progress in ongoing criminal investigations and the effectiveness of preventive anti-crime efforts.

23. On 19 April, in Tbilisi, UNOMIG hosted a donors' meeting to attract international support for the priority needs of the law enforcement agencies in the zone of conflict. Seventeen diplomatic missions, including that of the European Union, attended the meeting, demonstrating a considerable interest within the international community in improving the security situation in the zone of conflict

and in assisting local law enforcement agencies to meet international standards. A number of donors have already pledged sizeable financial contributions to the UNOMIG civilian police trust fund, which is expected to be established soon in accordance with appropriate financial and transparency regulations, and a donation of 450 pairs of boots has been already received and distributed.

24. On 8 June, with the selection of local police officers for training abroad having been finalized, OSCE informed UNOMIG that the planned training programme for the selected Georgian and Abkhaz local law enforcement officers at the OSCE police training school in Kosovo (see S/2004/26, para. 26) would not be possible at the current time. My Special Representative is discussing with OSCE other possible venues and options for the training. UNOMIG is also developing an introductory training programme to be conducted on the ground and a community-policing project in the Zugdidi district.

VI. Human rights and the humanitarian situation

25. The precarious human rights situation in Abkhazia, Georgia, as described in earlier reports, showed no signs of improvement. The rule of law, the administration of justice, as well as law enforcement mechanisms remained weak and did not provide adequate protection of the right to life and physical security, as well as public order, particularly in the Gali district. The continuation of murders, abductions and robberies, which mostly remain unpunished, generated a feeling of hopelessness among local residents. A number of cases of prolonged detention, violation of the right to legal protection, extortion and use of violence by uniformed Abkhaz personnel were reported. The United Nations Human Rights Office in Sukhumi provided legal advisory services to the local population and continued to monitor court trials and places of pre-trial detention. It also continued efforts to promote human rights awareness and commenced the implementation of the programme "Assisting Community Together", which is being financed by the Office of the United Nations High Commissioner for Human Rights. The Office also developed a human rights training programme for the local law enforcement agencies and offered to implement it in Sukhumi's militia school.

26. Assistance from United Nations agencies as well as international and non-governmental organizations (NGOs) continued, as described in earlier reports, to provide food, medical aid and infrastructural assistance; in addition to strictly humanitarian work, some development-related activity also took place. UNHCR completed the last portion of its school rehabilitation project, from which more than 14,000 children in 80 schools in Abkhazia, Georgia, benefited. The United Nations Children's Fund continued to deliver health and education assistance, including providing the second consignment of immunization supplies, and to work with local partners in improving vaccine storage, delivery and monitoring. It also commenced a programme for training health-care providers and primary caregivers in the Gali, Ochamchira, Sukhumi and Tkvarcheli districts. The United Nations Fund for Women (UNIFEM) continued to support and promote women in leadership, people-to-people dialogue and youth and education activities, with a focus on conflict prevention and resolution, gender equality and peace-building. The United Nations Volunteers continued to focus on developing the capacity of local NGOs, peace education programmes and the promotion of small-scale income generation projects. As with UNIFEM, those projects are implemented with the support of local NGO

partners and members of the civil society. The International Committee of the Red Cross (ICRC) continued to supply five hospitals in Abkhazia, Georgia, with surgical material and medicines, to assist blood bank projects in Sukhumi, Agudzera, Tkvarcheli and Gagra and to provide laboratory equipment and testing reagents and training for local laboratory staff. The ICRC orthopaedic workshop in Gagra also continued to provide prostheses for the affected local population. The French non-governmental organization, Médecins Sans Frontières, continued to provide health-care access, including drug distribution and medical consultations. It also continued its tuberculosis treatment programme and to provide support to the City Hospital in Sukhumi. Assistance related to food security, community development with a focus on cross-ceasefire line exchanges and improvement of housing and education also continued by local and international NGOs, such as Acción Contra el Hambre and Première Urgence, with funding from the Humanitarian Aid Office of the European Commission and the Swiss Agency for Development and Cooperation. The HALO Trust, a British non-governmental organization, continued to provide demining services and mine-awareness training.

27. UNOMIG also continued to implement quick-impact projects, designed to improve the difficult living conditions and to repair basic infrastructure in the zone of conflict. Since the beginning of the year, nine new projects have been approved. Continuing letters of appreciation from local authorities and the population demonstrate that the quick-impact projects lead to a qualitative improvement in the lives of the local population.

VII. Financial aspects

28. By its resolution 58/303 of 18 June 2004, the General Assembly appropriated an amount of $33,589,200 (gross), equivalent to $2,799,100 per month, for UNOMIG for the period from 1 July 2004 to 30 June 2005. The assessment of those amounts is subject to the decision of the Security Council to extend the mandate of the Mission.

29. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 July 2004, the cost of maintaining the Mission until 30 June 2005 would be limited to the monthly amounts approved by the General Assembly.

30. As at 31 May 2004, unpaid assessed contributions to the UNOMIG Special Account amounted to $10.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.2 billion.

VIII. Observations

31. While the Georgian and Abkhaz sides continued with practical cooperation activities, particularly in the security domain, a substantive dialogue on the key issues of the conflict is still lacking. It is widely believed that the existing complex political situation in Abkhazia, Georgia, on the eve of the "presidential elections", scheduled for October, is one of the main factors negatively affecting the positions of the Abkhaz side in the Georgian-Abkhaz peace process and the pace of the peace process in general. I strongly hope that with time, the leadership in Sukhumi will reconsider its stance and respond constructively to the offer by the new Georgian

leadership for a renewed and direct meaningful dialogue on all substantive issues of the conflict.

32. In this situation, the continued efforts by my Special Representative and UNOMIG have been crucial to ensure the stability in the zone of conflict and maintain the dialogue between the parties. The support of the Group of Friends has been invaluable in those efforts. However, it is clear that without a comprehensive settlement of the conflict, there will be neither lasting security nor economic prosperity.

33. I welcome the discussions that took place between the parties on security guarantees and the return of refugees. Early agreement and implementation of measures in these key areas would improve the confidence between the parties and the overall climate in the zone of conflict. To that end, I urge the parties to pursue more actively the implementation of the related recommendations of the joint assessment mission of 2000 and the security assessment mission of 2002 and again appeal to the Abkhaz side to facilitate, as agreed, the deployment of the UNOMIG civilian police on its side of the ceasefire line. My Special Representative stands ready to provide the necessary support to both sides for this purpose.

34. The security of UNOMIG personnel remains of primary concern. I urge both sides to ensure the security of UNOMIG in the performance of its mandated duties. The readiness of both sides to provide meaningful assurance towards that end needs to be followed up by resolute action to identify and bring to justice the perpetrators of criminal acts against UNOMIG personnel, including those responsible for the ambush of a UNOMIG bus in Sukhumi in September 1998, the shooting down of a UNOMIG helicopter in the Kodori Valley in October 2001 and those behind the hostage-taking incidents.

35. In the absence of a political settlement, the situation in the conflict zone will continue to be unsettled and prone to destabilization. The role played by UNOMIG in preventing the resumption of hostilities and pursuing a lasting solution of the conflict remains relevant and important. Therefore, I recommend that the Council extend the mandate of UNOMIG for a further period of six months, until 31 January 2005.

36. Finally, I would like to express my appreciation to my Special Representative, Heidi Tagliavini, for her untiring efforts in pursuance of the peace process, to the outgoing Chief Military Observer, Major General Kazi Ashfaq Ahmed, for the disciplined and competent way in which he led the UNOMIG military observers and to all the men and women of UNOMIG for their dedicated work in support of the peace process in a precarious and often dangerous environment.

Annex

Countries providing military observers and civilian police personnel (as at 7 July 2004)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	4
Egypt	5*
France	3
Germany	12
Greece	5
Hungary	7
Indonesia	4
Jordan	8
Pakistan	8
Poland	6
Republic of Korea	7
Russian Federation	3
Sweden	2
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**117**

* Including the Chief Military Observer.

Country	*Civilian police personnel*
Germany	4
Hungary	2
Poland	1
Switzerland	3
Russian Federation	1
Total	**11**

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Department of Peacekeeping Operations
Cartographic Section